

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF OCTOBER 27, 1987

Mayor Cordingley called the regular meeting to order at 8:00 p.m., following interviews with applicants to the Historical Commission beginning at 7:30 p.m., with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Jake Ours, 125 Saunders, said they had written to the Council regarding a traffic study on Saunders. As a result, four "slow signs" were painted on the street. However, there is a population boom of small children on Saunders and something is needed to slow down the traffic, such as stop signs.

Kim Diaz, 129 Saunders, said he was willing to put up with the noise and inconvenience of a stop sign in front of his house in order to slow down traffic.

Bill Franchini, 2 Agatha Court, said people do not pay any attention to "slow" signs. What is needed is a stop sign and officers issuing speeding tickets.

Angela McCoy, 139 Saunders, said that youngsters who drive their cars fast are endangering the small children on the street.

Liz Borne, 133 Saunders, said that between #122 and #140 Saunders, there are 10 children under four years old.

Nicole Ours, 125 Saunders, said there is periodic traffic enforcement that works for the period of time the traffic officer is there; the neighborhood needs a solution that will work a long time.

Councilmembers asked that this item be placed on the next agenda. Town Administrator Dickens said that in the meantime, the issue would be discussed by the Traffic Safety Committee.

3. APPOINTMENTS

(a) Historical Commission

M/S, Wooliever/Chignell, to appoint Alan Creighton, Katherine Coddington, Bill Franchini, Fred Divita and Robin Skewes-Cox to the Historical Commission, with terms to expire September, 1990. Motion passed unanimously.

M/S, Wooliever/Chignell, to appoint Patricia Swenson and Sharon Deveaux to the Historical Commission, with terms to expire September, 1991. Motion passed unanimously.

4. REQUEST FOR EXEMPTION FROM ORDINANCE NO. 886, AN INTERIM ORDINANCE PROHIBITING THE PROCESSING OF CERTAIN PLANNING APPLICATIONS, TO ALLOW THE FILING OF AN APPLICATION FOR A MAJOR SUBDIVISION, (FOUR OR MORE LOTS), BY PETER FRASER, ET AL, REDWOOD ROAD, A/P 7-071-03, 7-101-02 AND 7-154-04.

Planning Consultant Roberto reported that the applicant was requesting an exemption to the interim ordinance under Section 1D3 and Section 1D4 of the ordinance. An exemption to the restriction on filing a subdivision application can be granted under Section 1D3 if it would not jeopardize the orderly review of the general plan and zoning ordinance, and would not be detrimental to the health, safety and general welfare of persons or property in the area. An exemption can be granted under Section 1D4 if it can be found that a hardship has resulted from special circumstances applicable to the property, not the particular circumstances of the owner of the property, and that the circumstances are not self-created.

Regarding Section 1D3, the applicants claim that their property is in the R1-H zone and that the Town has already undertaken extensive

review of hillside and ridge lands in the past, and that the density assigned to each parcel in the R1-H zone was found to be in compliance with the general plan. They claim an exemption would not be detrimental nor would it jeopardize the orderly review of the general plan and zoning ordinance for the following reasons: the focus of the interim ordinance is on existing inconsistencies between the general plan and zoning, the zoning and general plan policies relative to the R1-H zoning district have been set and changes to this district are not anticipated, and a subdivision application would not impact Town staff's workload because the expense to hire additional staff would be borne by the applicants.

Roberto noted that the existing R1-H zone was found to be inadequate in implementing the Town's ridge and hillside development policies and in protecting the public health, safety and welfare. He advised that because of the known inadequacies of the current R1-H zone, a project processed under the requirements of the current zone could jeopardize attainment of the objectives of the existing general plan as well as policies which might be formulated relative to ridges and hillsides in the current general plan review.

The hardship claimed by the applicants under Section 1D4 is that their investment backed expectations are deprived and that they are incurring substantial holding costs. Roberto advised that this economic hardship was not unique nor was it directly related to circumstances of the property.

Fraser stated that they are only asking to submit an application that is consistent with the zoning, and that correspondence from the Town dated September 10, 1987 stated that the subject property is zoned consistent with the general plan.

Gary Ragghianti, the applicants' attorney, noted that the zoning of his clients' property is consistent with the general plan. He said that a revised R1-H zoning ordinance, precipitated by problems with the R1-H zoning revealed during review of the Quarry Mountain project, has been completed by the Planning Commission and is scheduled for adoption on this evening's Council agenda. He argued that if the ordinance is adopted, it would seem to remove most of the concerns in the staff report about processing his clients' R1-H zone application. Regarding the hardship, Ragghianti implied that it is unclear in the courts as to whether moratoriums constitute a taking of property for which compensation must be given.

It was the feeling of the majority of the Councilmembers to take public testimony at this meeting but continue the matter due to the absence of the Town Attorney.

Gay Kagy, 280 Redwood Road, stated her support for Roberto's findings.

Russell Cohn, 349 Redwood Road, commended the staff report and expressed concern about revising the R1-H ordinance without considering the impacts of development on fire protection and the adequacy of the road to support construction activity.

John Sanftar, 9 White Way, said the staff report covered the issues very well. He noted that November 13, 1983 was the last time the Fraser project was reviewed by a Town body and at that time, the applicant was informed he could submit applications for development of 12 units; therefore, this was not the first opportunity the applicant had to submit a development application. Furthermore, that part of town is subject to earth slides and water runoff, as evidenced in the Lehrer development of five homes that is plagued by erosion and has exacerbated an already unsafe road.

Jilliam Wheelock, 405 Redwood Road, expressed concern about the erosion and fire danger this project could generate.

John Foley, 390 Redwood Road, read a letter from David and Dee Ann Campbell, 107 Allyn Avenue, in which the Campbells state that they are

aware of the possible problems attendant to the application but are convinced that any of these can be addressed satisfactorily and that the health and safety of the people and area will benefit, and not suffer any detriment.

Foley also read a letter from he and his wife in support of the application. They stated that if any family would be impacted from the Fraser development, it would be them; however, they have spoken with the applicant regarding all of their concerns, these concerns have been addressed, and solutions have been proposed that they think they can live with. Foley added that with a project like this, there are going to be problems. He said if he were Mr. Faser, he would feel he had the right to develop his property in a sensible way that would benefit the community. The growth of the community is going to happen, and the applicant has a right to develop property within the constraints of the Council and the laws, he said.

It was the consensus of the Council to continue this item to the meeting of November 10, 1987.

5. REPORT FROM THE PLANNING COMMISSION ON RECONSIDERATION OF ITS AMENDMENT TO CONDITION A-1 OF RESOLUTION NO. 85-1 APPROVING THE QUARRY MOUNTAIN TENTATIVE MAP.

Upon consideration of an appeal of the Planning Commission's decision to amend Condition A-1 of its resolution approving the Tentative Map, the Council referred the amendment back to the Commission with direction that the findings to allow construction outside the approved building envelopes be more specific. Subsequent to this action, the applicant modified the designs so that all construction was within the approved building envelopes; therefore, the issue of allowing construction to take place outside the envelopes is moot.

6. APEAL OF PLANNING COMMISSION APPROVAL OF AR-6, QUARRY MOUNTAIN, INC., END OF TOMAHAWK DRIVE, A/P NOS. 177-250-40, 177-250-41 AND 177-220-50, ARCHITECTURAL REVIEW OF SEVEN SINGLE FAMILY DWELLINGS: UNIT NOS. 3, 4, 5, 6, 7, 8 AND 9, AND RESOLUTION OF APPROVAL.

The project developers had anticipated that an appeal would be filed on the Commission approvals, and therefore had filed an appeal to expedite the Council hearing. An appeal subsequently was also filed by Larry Stack, 10 Alice Way, and Alan Almquist, 6 Alice Way.

Planning Consultant Roberto reported that the six major points of the Almquist/Stack appeal were: (1) The design of the buildings do not have a low visual profile; (2) The increase in square footage of living space associated with modification of the building design to be within the approved envelope is not design related but game playing; (3) The homes and garages, in terms of square footage, are larger than other homes and garages in the surrounding area; (4) There is no evidence to support findings 1, 2 and 3 of the Commission resolutions approving the design of the homes under appeal; (5) The difference between minor and major design modifications, and whether staff should be authorized to decide if a modification is major or minor; and (6) The homes approved by the Commission are out of scale, disruptive and not harmonious with homes in the immediate and surrounding area.

Roberto explained what factors contribute to visual profile and massing, and that the amount of square footage in a building is not directly related. The approved designs conform to the provisions of the proposed revised R1-H ordinance. He noted that the Town does not have any standards that regulate the square footage of single family homes or that require new homes to be the same square footage as homes in the immediate or surrounding area. The allowance for off-street parking in screened areas and garages was seen as a benefit to the area by staff. Roberto reported the facts taken from the record that support the Commissions findings that "the homes are of a design which is compatible with their location on a relatively visible ridge" and that "the design protects the visual massing and

appearance of the homes from off site view points." He explained the interpretation of the difference between "major" and "minor" modifications. Concerning the argument that the homes are out of scale with the immediate area, he noted that the Commission found the designs to be compatible with the area.

Alan Almquist, 6 Alice Way, was present. Larry Stack, 10 Alice Way, took issue with the statements that the amount of square footage in a building is not directly related to its visual profile and massing, that the concept of average building size is meaningless, and that the Town does not have any standards that would regulate building square footage. Stack said the designs were diametrically opposed to provisions in the general plan regarding community character, harmonious development and the impact of new housing on existing development discussed in the housing element. He felt the developers were seeking an amendment to condition A-4 of the resolution approving the tentative map, which requires home construction to have a low profile. Stack said the design review ordinance requires consideration of building size and proportion, and that staff reported that the downslope elevation of lots 3, 6 and 12 have greater massing than other homes due to topography. Stack contended that a 3,306 square foot house has a profile that is 74% greater in size than that of a 1,600 square foot home, which he said is the average size of homes east on Tomahawk. He said there was no objection to landscaping issues but there were concerns about massification.

Planning Commission Chairman Hayes stated that the issue of square footage was discussed at the Commission meeting and the information was stated to his satisfaction. He said he felt the homes were large but that the proper issue was "low profile." Regarding landscaping blank walls, he said there were attempts to provide screening in the long and short term. The addition of building features resulted in greater articulation, which broke up the mass of the wall. Concerning houses to be built on downslope lots, the Commission reasoned that permission for an understory was appropriate since the appearance of another story would exist whether or not it was inhabited. Hayes noted that there was a 6 to 1 vote in favor of the detached three-car garages.

Planning Commissioner Sias, 37 Carlson, said he supported what Hayes had said.

Janet Tucker, 79 Indian Rock Road, expressed concern there was construction activity taking place, such as trucks going to the site in the middle of the night, that the Town does not know about. She said it bothered her to see large mansions built at the Quarry Mountain site, and that it was the Council's duty to keep the project low profile.

Carol Denton, 53 Miwok, said she lives downslope from lots 3 and 6 and objected to looking at two story homes on these lots.

Barret Denton, 53 Miwok, read the definition of "low visual profile" from the dictionary, saying it meant "less than normal height". He took issue with the argument that the landscaping would provide screening, saying that it will be 10 years before the trees will be tall enough to provide screening, and that landscaping plans will be difficult to enforce in the future.

Barry Spitz, 155 Los Angeles Boulevard, noted that the two most immediate neighbors to the Fraser project, discussed earlier on the agenda, were in favor of that project; he concluded that the animosity of the neighbors against the Quarry Mountain project showed that something was wrong.

Douglass Elliott, project developer, said that what Ms. Tucker said regarding the construction activity was news to him. He said that when subcontractors do not comply with the rules, the developer is responsible and needs to know immediately so he can act immediately. He said the average increase in the size of the homes, when they were

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redesigned to fit into the building envelopes, was 3%, or 88 square feet. He said that 94% of the property is open space, with only a 6% lot coverage, whereas the maximum lot coverage allowed under Town code is 40%.

Elliott said the design of the buildings is as low as it can be without having flat roofs.

Walsh said she did not think a two-story building is conforming to the intent of what is wanted with this development, that she supported building outside the building envelopes to decrease the massing of the buildings, and disagreed with the Commission's findings that the changes to the square footage of the buildings are minor.

Wooliever felt that efforts were made in terms of compromise on the design of the homes and although they are large homes, the Planning Commission has done a commendable job of reviewing the project. She said the Commission's task was to review the property with the best interests of the community in mind, there have been good faith efforts in producing these designs and there are guidelines that have to be adhered to.

Chignell took issue with Stack's charge that the town's planning consultant appeared to be representing the developer. He noted that in previous hearing the Council stated its interest in hearing about any construction violations, and he expressed appreciation for the presence of four Planning Commissioners. He felt the Council should rely on the judgements of the Commissioners, who have spent many hours studying the project and all the nuances of the staff report.

Sharp said that for him the issue was visual profile and he did not feel the designs as proposed represented low visual profile. Although he thought the Commission, planning consultant and developer are acting in good faith, he has a different opinion when talking about low visual profile. He said this site was as visible as anything in San Anselmo and there was no more sensitive a development in town. He expressed difficulty in making the design review finding that the approval would not generate traffic.

Cordingley stated that on the one hand he sees that the developer has voluntarily reduced the homes to one story; on the other hand, he sees one story homes closely abutting each other and expressed concern that this will intensify the massiveness of the buildings. He said he did not feel that size is necessarily a determining factor, but as he looks at all 12 homes together, the total square footage of all the homes makes a significant difference.

Roberto noted that in five to ten years the landscaping will break up the homes, and at maturity, the project will appear as homes in the woods. He noted that there was a decision at the tentative map stage to squeeze the homes together rather than spreading them out. He felt that the quality of the design would be lost if the size of the homes is reduced.

Bruce Burman, project developer, said there is a 15 foot setback between the homes and when the landscaping grows, it will show some distinction between buildings. Elliott said that this is the lowest design they can have, and if that is not conforming, then the Town is condemning the property not to be built.

Sharp said he needed answers relative to findings and what might constitute a "taking" of property.

Chignell recommended that the matter be continued until a meeting when the Town Attorney can be present.

M/S, Sharp/Chignell, to continue the item to the next regular meeting. Motion passed unanimously.

At the suggestion of the Planning Commissioners present, it was the consensus of the Council to conduct a special workshop meeting with the Planning Commission to discuss "low visual profile", on Wednesday, November 4, 7:30 to 9:00 p.m.

7. PLANNING COMMISSION REFERRAL TO TOWN COUNCIL OF THE BUILDING DESIGN FOR SINGLE FAMILY DWELLING UNIT NO. 7: QUARRY MOUNTAIN, INC., END OF TOMAHAWK DRIVE, A/P NOS. 177-250-40, 177-250-41 AND 177-220-50, FOR CONSIDERATION OF A STRUCTURE THAT WOULD BE A BUILDING OF SIMILAR DESIGN TO BE LOCATED EASTWARD OUTSIDE OF THE BUILDING ENVELOPE, WITH AMENDMENT TO CONDITION A-1 OF RESOLUTION NO. 2060.

This item was continued to the next regular meeting.

8. ADOPTION OF ORDINANCE NO. 890 AMENDING TOWN CODE, TITLE 10, TO ESTABLISH A NEW APPLICATION PROCESSING PROCEDURE AND STANDARDS FOR DEVELOPMENTS PROPOSED WITHIN THE R1-H DISTRICT, AND REVIEW OF PROPOSED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT.

This item was continued to the next regular meeting.

9. DISCUSSION REGARDING COUNCIL REPRESENTATION ON THE ROSS VALLEY FIRE SERVICE BOARD OF DIRECTORS.

This item was continued from the last regular meeting.

Wooliever commented that if the Council decides to set terms for serving on the Board, they should be longer than two years since the Board meets infrequently. She noted that it was important for Councilmembers not serving on the Board to impart any concerns they may have.

Chignell said he would submit a proposal on Council representation for the meeting of November 24.

10. RESOLUTION ENDORSING THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT.

This item was continued to the next regular meeting.

11. CONSENT AGENDA

- (a) Approval of Warrant Nos. 1887 through 2146, 6361 through 6421, and 66,286 through 66,359, in the amount of \$795,751.55.
- (b) Approval of minutes of October 13, 1987.
- (c) Approval of memorial honoring the late A.C. Signorelli.
- (d) Discussion regarding report from the Library Planning Committee and establishing a funding study committee. CONTINUED TO NOVEMBER 10, 1987.
- (e) Approval of request for Town sponsorship of 6th Annual Free Community Thanksgiving Feast, and waiver of Town fee to hang banner advertising the event.
- (f) Approval of Proclamation declaring "Drake High School Week."
- (g) Approval of Resolution of Intent re: "2% at 50" retirement program for police officers.
- (h) Introduction of ordinance amending Town Code, Title 10, revising Planning Commission appeal procedures. CONTINUED TO NOVEMBER 10, 1987.
- (i) Discussion and action related to referendum regarding Resolution No. 3026 setting the salary of the Town Administrator. CONTINUED TO NOVEMBER 10, 1987.

Town Administrator Dickens reported that item (g) was not binding, and that modifying the retirement program will cost \$51,328 annually, based on current salary figures.

Walsh asked that the minutes be revised to show that when Bill Bandy speaks, he speaks only for himself and not the Chamber of Commerce.

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M/S, Sharp/Wooliever, to approve the Consent Agenda, with the changes to the minutes. Motion passed unanimously, with the exception of Wooliever abstaining on the minutes;

ADJOURNMENT at 11:38 p.m. to a workshop session with the Planning Commission on Wednesday, November 4, 7:30 p.m. in the Council Chambers.

Beth Calamar